

AFFIDAVIT

I, Brian Tomanio, being duly sworn, state under oath that:

1. I am a Detective with the Kansas City, Missouri, Police Department (KCMOPD) and have been employed by KCMOPD since 1998. I have been assigned to the KCMOPD Street Crimes Unit since March of 2002, conducting drug investigations and investigations of illegal firearms possession within the Kansas City metropolitan area. I am currently assigned as a Federal Bureau of Investigation (FBI) Task Force Officer (TFO) to the KCMOPD-Gang Squad and have been assigned to that squad since January of 2018.

2. During my tenure as a law enforcement officer, I have been involved in numerous investigations of various individuals in the importation and distribution of controlled substances and investigations of illegal firearm possession. I have communicated extensively with other state and federal law enforcement personnel who specialize in drug and firearm investigations. I have also had extensive experience in debriefing defendants, participating witnesses, informants, and other persons who have had personal experience and knowledge of the importation and distribution of controlled substances.

3. From my training and experience, my participation in this investigation, my review of investigation related reports, information, and items, from discussions with law enforcement officers, and from other various sources, I know the information contained herein. This affidavit contains information necessary to support probable cause for this application. It is not intended to include every fact or matter observed or known by me or by law enforcement.

4. FBI is a federal law enforcement agency charged with the enforcement of federal laws and investigation of federal criminal activities. I know from my previous training and experience, that pursuant to Title 18, United States Code, Section 922(g) (1), it is unlawful for any person who knows they have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to knowingly possess, in or affecting interstate commerce, any firearm or ammunition.

5. On August 10, 2020, at approximately 10:28 PM, KCMOPD Officers Tyler Kuehn and Ashley Wilson with the Central Patrol Station were on patrol in the area of Truman Road and Troost Avenue. It was at this time the officers observed a gold colored Kia driving slowly and then coming to a stop without any traffic signals or indication why the vehicle stopped. The vehicle then proceeded southbound on Troost Avenue towards the intersection of Truman Road and Troost Avenue while continuing to travel slowly. The vehicle then passed the left double yellow line into the Northbound lane of Troost Avenue before correcting and crossing the dashed white line of the number two lane southbound without using any signal. The vehicle continued to travel southbound on Troost Avenue while occupying both the number one and two lanes. Officers then conducted a traffic stop in regard for the vehicle not being able to maintain proper lanes of traffic.

6. Officers contacted the driver and only occupant of the vehicle, later identified as Robert Cole JORDAN. JORDAN was observed to have his hands in the center console of the vehicle at the time of the stop. When PO Kuehn shined his flashlight into the vehicle he observed the barrel of a rifle

in the second row of seats on the driver side of the vehicle with the barrel extending into the passenger side of the vehicle. PO Kuehn observed a clear pipe with an unknown white substance on the bottom of it underneath the radio of the vehicle and PO Wilson observed an open beer can in the driver's side cup holder. At this time PO Kuehn told JORDAN to exit the vehicle and P.O. Wilson escorted JORDAN to the sidewalk. PO Wilson believed JORDAN appeared confused and one point began punching the ground and cursing. JORDAN admitted to officers he had been drinking however, not enough to get drunk. A computer check of the license plate of the vehicle responded back as being registered to JORDAN. Officers observed a small bag associated commonly with personal drug use on the passenger seat with an unknown white crystal like substance inside of it. Due to the belief JORDAN may have been operating the vehicle under the influence, a field sobriety test was conducted. While conducting the test, JORDAN told officers that he had smoked crack twenty minutes prior to the stop. A computer check of JORDAN revealed him to have two warrants out of Kansas City. It was at this time JORDAN was placed under arrest in regards to his warrants.

7. An inventory of the vehicle prior to being towed was conducted by officers which resulted in the officers locating the following items: A Libertas 5.56mm semi-rifle, Serial Number R03478 with a magazine containing twenty-nine live 5.56mm rounds. A computer check of the rifle revealed it to be stolen out of Versailles, Missouri. Next to the rifle PO Kuehn observed a plate carrier (ballistic vest) with plates on the inside of the vest. Officers then found a box of shotgun ammo and a box of .380 ammo in the back driver side tool compartment commonly used to hold the items needed to change a spare tire with. PO Kuehn also observed a syringe and needle in the driver side of the vehicle. A search of the center console area of the van revealed a LLP Ruger .380 caliber handgun, Serial Number 371070375 with a magazine containing five live rounds. A computer search of the firearm revealed it to be stolen out of Kansas City, Missouri. Several bags each containing a clear crystal like substance were also located inside the vehicle. The bags weighed .62 grams, 30.56 grams and 8.34 grams respectively, for a total weight of 39.52 grams. Sgt. Herndon responded and conducted a presumptive test on the recovered substance utilizing the TruNarc device which indicated the presence of methamphetamine.

8. Detective Brian Tomanio responded to the East Patrol Station Detention Unit in order to interview JORDAN. Prior to questioning JORDAN, Detective Tomanio advised JORDAN of his rights by reading aloud to him the standard *Miranda* Warning and Waiver form. JORDAN advised he understood his rights and agreed to speak. During the course of the interview, JORDAN admitted to owning the vehicle he was driving at the time of the stop. JORDAN admitting to using narcotics in the past and at one point stated "It's open and shut", referring to his case. JORDAN implied he did not wish to speak to me, however, he did not request a lawyer. I then informed him I would tell him what I was told by the officers and he could listen. I explained to him the officers located two firearms and narcotics. JORDAN then re-initiated speaking to me and spontaneously uttered he bought the rifle for five-hundred dollars and the handgun for fifty or sixty dollars off the streets about one year ago. JORDAN stated he did not know anything about the firearms being stolen. JORDAN then stated "It is what it is" and "I hate to go out like this". JORDAN also admitted to knowing he was a convicted felon, thus, making it illegal for him to possess the firearms.

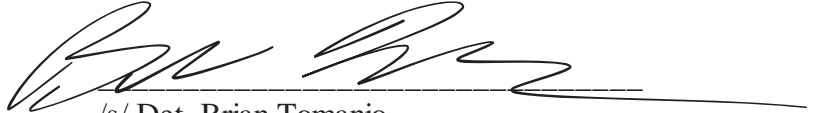
9. A review of JORDAN's criminal history showed the following prior felony convictions:

- Case Number 0716-CR06790-01, JORDAN was found guilty on June 10, 2008 in Jackson County, Missouri of Possession of a Controlled Substance, a class C felony.
- Case Number 0716-CR02809-01, JORDAN was found guilty on June 10, 2008 in Jackson County, Missouri of Assault First Degree, a class A felony.

10. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Jeffrey Brock, who has been trained as a firearms and ammunition interstate nexus expert, has opined that the LLP Ruger .380 caliber handgun bearing Serial Number 371070375 that was found in JORDAN's vehicle, was manufactured outside of the State of Missouri and therefore crossed state lines prior to their seizure by law enforcement. At the time this affidavit was written, Special Agent Brock was not able to ascertain if the Libertas 5.56mm semi-automatic rifle bearing Serial Number R03478 was manufactured outside the State of Missouri.

11. Based on the above information, JORDAN is prohibited from possessing firearms and ammunition pursuant to Title 18, United States Code, Section 922(g)(1) and 924(a)(2). Based on JORDAN's statement in the interview and his criminal history, I believe there is probable cause to establish that JORDAN knew he was a convicted felon prior to his possession of the firearms and ammunition on August 10, 2020. Also, based on Special Agent Brock's expert opinion, I believe the firearm that JORDAN possessed had been transported in interstate commerce prior to being seized by law enforcement in the Western District of Missouri.

FURTHER, AFFIANT SAYETH NOT.



/s/ Det. Brian Tomanio

KCMOPD Detective Brian Tomanio,
FBI TFO

Subscribed to and sworn to before me this 11th day of August, 2020.



Honorable Sarah W. Hays
United States Magistrate Judge
Western District of Missouri